

**Introduced by Senator Correa**

February 4, 2010

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An act to amend Sections 18400.1, 18400.3, 18424, and 18502 of the Health and Safety Code, relating to mobilehomes.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 951, as introduced, Correa. Mobilehome Parks Act.

(1) The Mobilehome Parks Act requires the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for the enforcement of the act to enter and inspect mobilehome parks with a goal of inspecting at least 5% of the parks each year to ensure enforcement of the act and implementing regulations. Existing law also requires an enforcement agency to issue notice to correct a violation, as specified. Existing law repeals these provisions on January 1, 2012.

This bill would extend the repeal of these provisions to January 1, 2017.

(2) Existing law requires the department to convene a task force of prescribed membership every six months to provide input to the department on the conduct and operation of the mobilehome park maintenance inspection program. Existing law also requires the department to submit a report to the task force semiannually that includes specified elements of the inspection program.

This bill would require that the department submit the report in writing and that the report include additional elements of information, as prescribed.

(3) The Mobilehome Parks Act imposes prescribed fees, including, among others, a fee of \$4 per lot to be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with

the Mobilehome Parks Act. Existing law repeals the \$4 fee per lot on January 1, 2012.

This bill would extend the January 1, 2012, repeal date to January 1, 2017, thereby extending the imposition of the \$4 fee per lot until that date.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 18400.1 of the Health and Safety Code  
2 is amended to read:

3 18400.1. (a) In accordance with subdivision (b), the  
4 enforcement agency shall enter and inspect mobilehome parks, as  
5 required under this part, with a goal of inspecting at least 5 percent  
6 of the parks per year, to ensure enforcement of this part and the  
7 regulations adopted pursuant to this part. The enforcement agency's  
8 inspection shall include an inspection of the exterior portions of  
9 individual manufactured homes and mobilehomes in each park  
10 inspected. Any notices of violation of this part shall be issued  
11 pursuant to Chapter 3.5 (commencing with Section 18420).

12 (b) In developing its mobilehome park maintenance inspection  
13 program, the enforcement agency shall inspect the mobilehome  
14 parks that the enforcement agency determines have complaints  
15 that have been made to the enforcement agency regarding serious  
16 health and safety violations in the park. A single complaint of a  
17 serious health and safety violation shall not automatically trigger  
18 an inspection of the entire park unless upon investigation of that  
19 single complaint the enforcement agency determines that there is  
20 a violation and that an inspection of the entire park is necessary.

21 (c) This part does not allow the enforcement agency to issue a  
22 notice for a violation of existing laws or regulations that were not  
23 violations of the laws or regulations at the time the mobilehome  
24 park received its original permit to operate, or the standards  
25 governing any subsequent permit to construct, or at the time the  
26 manufactured home or mobilehome received its original installation  
27 permit, unless the enforcement agency determines that a condition  
28 of the park, manufactured home, or mobilehome endangers the  
29 life, limb, health, or safety of the public or occupants thereof.

1 (d) Not less than 30 days prior to the inspection of a mobilehome  
2 park under this section, the enforcement agency shall provide  
3 individual written notice of the inspection to the registered owners  
4 of the manufactured homes or mobilehomes, with a copy of the  
5 notice to the occupants thereof, if different than the registered  
6 owners, and to the owner or operator of the mobilehome park and  
7 the responsible person, as defined in Section 18603.

8 (e) At the sole discretion of the enforcement agency's inspector,  
9 a representative of either the park operator or the mobilehome  
10 owners may accompany the inspector during the inspection if that  
11 request is made to the enforcement agency or the inspector requests  
12 a representative to accompany him or her. If either party requests  
13 permission to accompany the inspector or is requested by the  
14 inspector to accompany him or her, the other party shall also be  
15 given the opportunity, with reasonable notice, to accompany the  
16 inspector. Only one representative of the park owner and one  
17 representative of the mobilehome owners in the park may  
18 accompany the inspector at any one time during the inspection. If  
19 more than one representative of the mobilehome owners in the  
20 park requests permission to accompany the inspector, the  
21 enforcement agency may adopt procedures for choosing that  
22 representative.

23 (f) The enforcement agency shall coordinate a preinspection  
24 orientation for mobilehome owners and mobilehome park operators  
25 with the use of an audiovisual presentation furnished by the  
26 department to affected local enforcement agencies. Enforcement  
27 agencies shall furnish the audiovisual presentation to park operators  
28 and mobilehome owner representatives in each park subject to  
29 inspection not less than 30 days prior to the inspection.  
30 Additionally, it is the Legislature's intent that the department shall,  
31 where practicable, conduct live presentations, forums, and outreach  
32 programs throughout the state to orient mobilehome owners and  
33 park operators on the mobilehome park maintenance inspection  
34 program and their rights and obligations under the program.

35 (g) This section shall remain in effect only until January 1, ~~2012~~  
36 2017, and as of that date is repealed, unless a later enacted statute,  
37 that is enacted before January 1, ~~2012~~ 2017, deletes or extends  
38 that date.

39 SEC. 2. Section 18400.3 of the Health and Safety Code is  
40 amended to read:

1 18400.3. (a) The department shall convene a task force of  
2 representatives of mobilehome owners, mobilehome park operators,  
3 local enforcement agencies that conduct mobilehome park  
4 inspections, and the Legislature, every six months, to provide input  
5 to the department on the conduct and operation of the mobilehome  
6 park maintenance inspection program, including, but not limited  
7 to, frequency of inspection, program information, and  
8 recommendations for program changes. The department shall  
9 submit a *written* report to the task force semiannually that shall  
10 include, but not be limited to, all of the following:

11 (1) The amount of fees collected and expended for the inspection  
12 program.

13 (2) The number of parks and spaces that were inspected.

14 (3) The number of violations ~~identified and progress on~~  
15 ~~correcting those violations~~ *issued to mobilehome owners.*

16 (4) *The number of violations issued to mobilehome park owners.*

17 (5) *The number of violations reported pursuant to paragraphs*  
18 *(3) and (4) that have been corrected, the number of violations that*  
19 *remain uncorrected at the end of the reporting period, and the*  
20 *progress in correcting the uncorrected violations.*

21 ~~(4)~~

22 (6) The most common park violations and the most common  
23 homeowner violations.

24 (7) *Recommendations for statutory or administrative changes*  
25 *to the program.*

26 (b) The Senate Committee on Rules and the Assembly  
27 Committee on Rules shall each designate a member of its respective  
28 house to be a member of the task force. Each legislative member  
29 of the task force may designate an alternate to represent him or  
30 her at task force meetings.

31 (c) With the input of the task force, the department may  
32 reorganize violations under this part and the regulations adopted  
33 pursuant to this part into the following two categories:

34 (1) Those constituting imminent hazards representing an  
35 immediate risk to life, health, and safety and requiring immediate  
36 correction.

37 (2) Those constituting unreasonable risk to life, health, or safety  
38 and requiring correction within 60 days.

39 (d) Any matter that would have constituted a violation prior to  
40 January 1, 2000, that is not categorized in accordance with

1 subdivision (c) on or after January 1, 2000, shall be of a minor or  
2 technical nature and shall not be subject to citation or notation on  
3 the record of an inspection conducted on or after January 1, 2000.

4 SEC. 3. Section 18424 of the Health and Safety Code is  
5 amended to read:

6 18424. This chapter shall remain in effect only until January  
7 ~~1-2012~~, 2017, and as of that date is repealed, unless a later enacted  
8 statute, that is enacted before January 1, ~~2012~~ 2017, deletes or  
9 extends that date.

10 SEC. 4. Section 18502 of the Health and Safety Code, as  
11 amended by Section 8 of Chapter 341 of the Statutes of 2009, is  
12 amended to read:

13 18502. Fees as applicable shall be submitted for permits, as  
14 follows:

15 (a) Fees for a permit to conduct any construction subject to this  
16 part as determined by the schedule of fees adopted by the  
17 department.

18 (b) Plan checking fees equal to one-half of the construction,  
19 plumbing, mechanical, and electrical permit fees, except that the  
20 minimum fee shall be ten dollars (\$10).

21 (c) (1) An annual operating permit fee of one hundred forty  
22 dollars (\$140) and an additional seven dollars (\$7) per lot.

23 (2) An additional annual fee of four dollars (\$4) per lot shall be  
24 paid to the department or the local enforcement agency, as  
25 appropriate, at the time of payment of the annual operating fee.  
26 All revenues derived from this fee shall be used exclusively for  
27 the inspection of mobilehome parks and mobilehomes to determine  
28 compliance with the Mobilehome Parks Act (Part 2.1 (commencing  
29 with Section 18200)) and any regulations adopted pursuant to the  
30 act.

31 (3) The Legislature hereby finds and declares that the health  
32 and safety of mobilehome park occupants are matters of public  
33 interest and concern and that the fee paid pursuant to paragraph  
34 (2) shall be used exclusively for the inspection of mobilehome  
35 parks and mobilehomes to ensure that the living conditions of  
36 mobilehome park occupants meet the health and safety standards  
37 of this part and the regulations adopted pursuant thereto. Therefore,  
38 notwithstanding any other law or local ordinance, rule, regulation,  
39 or initiative measure to the contrary, the holder of the permit to  
40 operate the mobilehome park shall be entitled to directly charge

1 one-half of the per lot additional annual fee specified herein to  
2 each homeowner, as defined in Section 798.9 of the Civil Code.  
3 In that event, the holder of the permit to operate the mobilehome  
4 park shall be entitled to directly charge each homeowner for  
5 one-half of the per lot additional annual fee at the next billing for  
6 the rent and other charges immediately following the payment of  
7 the additional fee to the department or local enforcement agency.

8 (d) Change in name fee or transfer of ownership or possession  
9 fee of ten dollars (\$10).

10 (e) Duplicate permit fee or amended permit fee of ten dollars  
11 (\$10).

12 (f) This section shall remain in effect only until January 1, ~~2012~~  
13 ~~2017~~, and as of that date is repealed, unless a later enacted statute,  
14 that is enacted before January 1, ~~2012~~ ~~2017~~, deletes or extends  
15 that date.

16 SEC. 5. Section 18502 of the Health and Safety Code is  
17 amended to read:

18 18502. Fees as applicable shall be submitted for permits, as  
19 follows:

20 (a) Fees for a permit to conduct any construction subject to this  
21 part as determined by the schedule of fees adopted by the  
22 department.

23 (b) Plan checking fees equal to one-half of the construction,  
24 plumbing, mechanical, and electrical permit fees, except that the  
25 minimum fee shall be ten dollars (\$10).

26 (c) An annual operating permit fee of one hundred forty dollars  
27 (\$140) and an additional seven dollars (\$7) per lot.

28 (d) Change in name fee or transfer of ownership or possession  
29 fee of ten dollars (\$10).

30 (e) Duplicate permit fee or amended permit fee of ten dollars  
31 (\$10).

32 (f) This section shall become operative on January 1, ~~2012~~ ~~2017~~.